

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (withdrawn) A  $\beta$ -glucan-containing fat and oil composition characterized by containing a  $\beta$ -glucan of microorganism origin or basidiomycete origin.

2. (withdrawn) The  $\beta$ -glucan-containing fat and oil composition according to claim 1, wherein the  $\beta$ -glucan is one secreted out of fungi by cultivating microorganisms or basidiomycetes.

3. (withdrawn) The  $\beta$ -glucan-containing fat and oil composition according to claim 1, wherein the  $\beta$ -glucan is culture cells obtained by cultivating microorganisms or basidiomycetes.

4. (withdrawn) The  $\beta$ -glucan-containing fat and oil composition according to claim 1, wherein the microorganisms are yeast, lactic acid bacteria, Chlorella, algae or a microorganism belonging to the genus Aureobasidium.

5. (withdrawn) The  $\beta$ -glucan-containing fat and oil composition according to claim 1, wherein the microorganism is one of which the 18S rRNA gene contains the sequence of 1732 bases shown in Sequence Listing, SEQ ID No. 1 or a base sequence molecular-phylogenetically equivalent thereto based on the 18S rRNA gene base sequence and which is resistant to the antibiotic cycloheximide and capable of secreting and producing  $\beta$ -glucan out of fungi.

6. (withdrawn) The  $\beta$ -glucan-containing fat and oil composition according to claim 1, wherein the microorganism is one of which the ITS-5.8S rRNA gene contains the sequence of 563 bases shown in Sequence Listing, SEQ ID No. 2 or a base sequence molecular-phylogenetically equivalent thereto based on the ITS-5.8S rRNA gene base sequence and which is capable of secreting and producing  $\beta$ -glucan out of fungi.

7. (withdrawn) The  $\beta$ -glucan-containing fat and oil composition according to claim 1, wherein the  $\beta$ -glucan content is 0.01 to 500 parts by weight per 100 parts by weight of the total of the components other than the  $\beta$ -glucan.

8. (withdrawn) A food containing the  $\beta$ -glucan-containing fat and oil composition according to claim 1.

9. (withdrawn) A bakery product containing the  $\beta$ -glucan-containing fat and oil composition according to claim 1.

10. (withdrawn) A confectionery product containing the  $\beta$ -glucan-containing fat and oil composition according to claim 1.

11. (withdrawn) A food having a prophylactic action for habitual diseases containing the  $\beta$ -glucan-containing fat and oil composition according to claim 1.

12. (withdrawn) A drug having a prophylactic action for habitual diseases containing the  $\beta$ -glucan-containing fat and oil composition according to claim 1.

13. (withdrawn) A processed rice, wheat, maize or soybean product containing the  $\beta$ -glucan-containing fat and oil composition according to claim 1.

14. (withdrawn) A microorganism of which the 18S rRNA gene contains the sequence of 1732 bases shown in Sequence Listing, SEQ ID No. 1 or a base sequence molecular-phylogenetically equivalent thereto based on the 18S rRNA gene base sequence and which is resistant to the antibiotic

cycloheximide and capable of secreting and producing  $\beta$ -glucan out of fungi.

15. (currently amended) ~~A microorganism~~ An isolated strain of *Aureobasidium pullulans* ADK-34 (FERM BP-8391) of which the ITS-5.8S rRNA gene contains ~~the sequence of 563 bases shown in Sequence Listing,~~ SEQ ID No. 2 or a base sequence molecular-phylogenetically equivalent thereto based on the ITS-5.8S rRNA gene base sequence and which is capable of secreting and producing  $\beta$ -glucan ~~out of fungi~~.

16. (currently amended) ~~The microorganism~~ isolated strain of *Aureobasidium pullulans* according to claim 15, which has resistance to the antibiotic cycloheximide.

17. (withdrawn) The microorganism according to claim 14, which is capable of secreting and producing  $\beta$ -glucan having at least a  $\beta$ -1,3-D-glucopyranose bond in the structure out of fungi.

18. (withdrawn) The microorganism according to claim 14, which belongs to the genus *Aureobasidium*.

19. (withdrawn) The microorganism according to claim 14, which is the strain of *Aureobasidium pullulans* ADK-34 (FERM BP-8391).

20. (withdrawn) A process of producing  $\beta$ -glucan characterized by comprising culturing the microorganism according to claim 14, secreting and producing  $\beta$ -glucan out of fungi.

21. (withdrawn) A process of producing  $\beta$ -glucan characterized by comprising culturing a microorganism of which the ITS-5.8S rRNA gene exhibits sequence homology of at least 98% with the base sequence shown in Sequence Listing, SEQ ID No. 2, secreting and producing  $\beta$ -glucan out of fungi.

22. (withdrawn) The process of producing  $\beta$ -glucan according to claim 20, wherein culturing of the microorganism is carried out using a culture medium containing saccharides as a carbon source.

23. (withdrawn) Beta-glucan having at least a  $\beta$ -1,3-D-glucopyranose bond in the structure thereof which is secreted and produced out of fungi by culturing the strain of *Aureobasidium pullulans* ADK-34 (FERM BP-8391).